

PATENT

Application No.: 09/736,392

Atty. Dkt. No. TVG/WGATE5-14

REMARKS

This response is intended as a full and complete response to the final Office Action mailed February 27, 2006. Claims 16-23, 34, and 35 are currently pending. Claims 24-33 are cancelled and new claims 34 and 35 are added. Applicants respectfully request reconsideration of the claims for the following reasons.

Claims patentable over Gordon under §102

The Office Action rejected claims 16-26, 28 and 30-32 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,208,335 to Gordon et al. ("Gordon").

According to MPEP §2131, to anticipate a claim under §102, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Gordon fails to teach each and every element of the claimed invention. For example, Gordon fails to teach additional navigation commands to get over speed bumps at the edge of server-side image map objects.

Claim 16 recites, *inter alia*, "determining whether the selected object is located at an edge of a server-side image map object and associated with a speed bump, the server-side image map comprising a plurality of navigable objects within a plurality of larger navigable objects; receiving at least one additional navigation command in the

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same requested direction to get over the speed bump and navigate out of the server-side image map object."

Gordon teaches a list display that is navigated on a paginated basis. As remote control input (e.g., up arrow, down arrow, selection) is monitored, if a down arrow is received when the display is showing the last page of the list menu, then the next page is displayed. (See Gordon, Figure 7, col. 16, lines 16-32.) In other words, Gordon processes one remote control command at a time. (See Gordon, Figure 7, process next remote control command at 712.)

By contrast, the claimed invention requires at least two navigation commands to navigate over the speed bump and into the next object in the requested direction.

Therefore, claim 16 is patentable over Gordon under §102.

Claims 17-23 depend, directly or indirectly, from claim 16 and, thus, inherit the patentable subject matter of claim 16, while adding additional elements and further defining elements. Therefore, claims 17-23 are also patentable over Gordon under §102 for at least the reasons given above with respect to claim 16.

The rejection of cancelled claims 24-26, 28, and 30-32 is moot.

Claim 34 recites, *inter alia*, "initiating at least one additional navigation command in the same requested direction to get over a speed bump when the selected object is at an edge of a server-side image map object to navigate out of the server-side image map object, the server-side image map comprising a plurality of navigable objects within a plurality of larger navigable objects". For the reasons given with respect to claim 16, claim 34 is also patentable over Gordon under §102.

Claim 35 depends from claim 34 and, thus, inherits the patentable subject matter of claim 34, while adding additional elements and further defining elements. Therefore, claim 35 is also patentable over Gordon under §102.

Accordingly, Applicants respectfully request that the rejection of claims 16-23 be withdrawn and new claims 34 and 35 be considered.

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Claims patentable over Gordon/Goodman under §103

The Office Action rejected claims 27, 29 and 33 under 35 U.S.C 103(a) as being unpatentable over Gordon in view of U.S. Patent No. 6,100,875 to Goodman et al. ("Goodman"). Applicants respectfully disagree.

The rejection of cancelled claims 27, 29, and 33 is moot.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and passage of the claims to allowance. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Lea A. Nicholson or Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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